UNITED STATES PATENT AND TRADEMARK OFFICE

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10/751,202	01/02/2004	Tetsuya Hosoda	MIPFP075	3422

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/751,202	HOSODA ET AL.
	Examiner	Art Unit	
	Chia-Wei A. Chen	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 November 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>02 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 11/1/2007 have been fully considered but they are

not persuasive.

Applicant argues with respect to claims 1, 13, and 14 that Burt et al. does not

disclose the feature of "selectively" changing the number of image data to be used in

the synthesis.

However, reading the claims in the broadest sense, Burt et al. clearly teaches the

feature of "selectively" changing the number of image data to be used in the synthesis

(col. 10, lines 57-65). By eliminating old images from the mosaic, the selection process

changes the number of first image data (the number of input images) that the second

image data (resultant mosaic image) is based on. In addition, Burt et al. teaches a

significance analyzer 808 that selects which residuals should be stored and which

should be discarded for accurately recreating a mosaic (col. 15, line 65-col. 16, line 5).

As to claims 2-9, the rejections to these claims are sustained for the same

reasons set forth above regarding claim 1.

Claim Rejections - 35 USC § 102

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

3.   Claims 1-9, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Burt et al. (US 5,999,662).

As to claims 1 and 14, Burt et al. teaches a still image generating apparatus (Fig. 1) that generates still image data from multiple image data, comprising:

- an image acquisition unit (102) that obtains multiple first image data that are arranged in a time-series from the multiple image data (col. 4, lines 31-33);

- an image storage unit (812) that stores the multiple first image data obtained by the image acquisition unit (col. 17, lines 14-17);

- a correction amount estimation unit (300) that estimates with regard to the multiple first image data stored in the image storage unit, the correction amount required to correct for positional deviation among the images expressed by each image data (col. 5, lines 54-56, Fig. 4); and

- an image synthesizer (304) that corrects the positional deviation among the images expressed by the multiple first image data based on the estimated correction amounts, and synthesizes the corrected multiple first image data to generate as the still image data second image data having a higher resolution than the first image data (col. 6, lines 22-27),

- wherein the image synthesizer is allowed to selectively change the number of the first image data used in synthesis when synthesizing the corrected multiple first image data to generate the second image data (col. 10, lines 57-65).

As to claim 2, Burt et al. teaches the still image generating apparatus according to claim 1, wherein the multiple image data include moving image data (col. 4, lines 31-33).

As to claim 3, Burt et al. teaches the still image generating apparatus according to claim 2, wherein when an image data acquisition instruction is issued, the image acquisition unit obtains the multiple first image data from the multiple image data and the storage unit stores the obtained multiple first image data (col. 17, lines 15-23).

As to claim 4, Burt et al. teaches the still image generating apparatus according to claim 2, wherein the image acquisition unit sequentially obtains the first image data from the multiple image data and the image storage unit sequentially updates the stored multiple first image data with the obtained first image data, and wherein when an image data acquisition instruction is issued, the image storage unit maintains the stored multiple first image data (col. 6, lines 13-21).

As to claim 5, Burt et al. teaches the still image generating apparatus according to claim 1, wherein when an image data acquisition instruction is issued, the image acquisition unit obtains the multiple first image data from the multiple image data and the storage unit stores the obtained multiple first image data (col. 17, lines 15-23).

As to claim 6, Burt et al. teaches the still image generating apparatus according to claim 1, wherein the image acquisition unit sequentially obtains the first image data from the

multiple image data and the image storage unit sequentially updates the stored multiple first image data with the obtained first image data, and wherein when an image data acquisition instruction is issued, the image storage unit maintains the stored multiple first image data (col. 6, lines 13-21).

As to claim 7, Burt et al. teaches the still image generating apparatus according to claim 1, wherein the image storage unit stores, in addition to the multiple first image data, the second image data generated by the image synthesizer (full mosaic and original input images are stored; col. 17, lines 14-25, col. 13, lines 16-21).

As to claim 8, Burt et al. teaches the still image generating apparatus according to claim 7, wherein where the image synthesizer is allowed to adopt one of multiple image synthesis methods selectively when synthesizing the corrected multiple first image data to generate the second image data, the image storage unit stores the second image data synthesized using different synthesis methods separately according to the synthesis method employed (col. 10, lines 57-65, Fig. 5).

As to claim 9, Burt et al. teaches the still image generating apparatus according to claim 8, wherein when an instruction is issued for re-synthesizing the corrected multiple first image data using the same synthesis method that was previously used on the data, the image synthesizer reads out the second data that was already synthesized using that method from the image storage unit rather than performing synthesis to the corrected

multiple first image data (dynamic mosaic construction recursively adds to the existing

mosaic instead of creating a new mosaic each time; col. 6, lines 27-29).

As to claim 13, this claim only differs from claim 1 in that claim 1 is an apparatus claim

whereas claim 13 is a method. Thus, the method of claim 13 is analyzed as previously

discussed in claim 1.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burt et

al. in view of Amini et al. (US 6,698,021).

As to claim 10, Burt et al. teaches the still image generating apparatus according to

claim 1, but does not teach wherein the image storage unit stores, in addition to the

multiple first image data, position information indicating the time location in the multiple

image data for at least one of the obtained multiple first image data.

Amini et al. teaches wherein the image storage unit stores, in addition to the multiple

first image data, position information indicating the time location in the multiple image

data for at least one of the obtained multiple first image data (col. 12, lines 53-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have used the position information indicating the time location of

Amini et al. with the still image generating apparatus of Burt et al. in order to provide

virtually unlimited and instantaneous remote access to video image data. (See col. 3,

lines 21-25 of Amini et al.)

6.4.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Burt et al. in view of Prabhu et al. (US 7,032,182 B2).

As to claim 11, Burt et al. teaches the still image generating apparatus according to

claim 1, but does not teach: a thumbnail image creation unit that creates thumbnail

image data from the second image data generated by the image synthesizer; and an

image display unit that displays at least the thumbnail image expressed by this

thumbnail data, wherein the image display unit displays the thumbnail image together

with predetermined information concerning the second image data corresponding to the

thumbnail image.

Prabhu et al. teaches a thumbnail image creation unit (graphics generator 214) that

creates thumbnail image data (130-146) from the second image data generated by the

image synthesizer; and an image display unit (206) that displays at least the thumbnail

image expressed by this thumbnail data, wherein the image display unit displays the

thumbnail image together with predetermined information concerning the second image

data corresponding to the thumbnail image (Fig. 1, col. 2, lines 57-60, col. 3, lines 51-

55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have used the thumbnail image creation of Prahbu et al. with the

still image generating apparatus of Burt et al. to create a graphical user interface that

allows users to easily and meaningfully augment picture database information in a

manner which leads to an improvement in the picture database browsability. (See col. 1,

lines 57-60 of Prabhu et al.)

As to claim 12, Burt et al. in view of Prabhu et al. teaches the still image generating

apparatus according to claim 11, wherein where the image synthesizer is allowed to

adopt one of multiple image synthesis methods selectively when synthesizing the

corrected multiple first image data to generate the second image data, the

predetermined information is information that indicates the synthesis method employed

when the second image data corresponding to the thumbnail image data was generated

(technical information; col. 3, lines 17-20).

Conclusion

7. **2.**   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chia-Wei A. Chen whose telephone number is 571-270-

1707. The examiner can normally be reached on Monday - Friday, 7:30 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cac
1/11/08

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SUPERVISORY PATENT EXAMINER